

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS

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MICHAEL S. HELMSTETTER,)	
)	Case No. 22 cv 1100
APPELLANT)	
)	
DAVID HERZOG, Trustee)	Appeal from 19-28687
)	USBC NDIL
BENITTA BERKE,)	
)	Honorable Jacqueline Cox
)	
)	
WORLD BUSINESS LENDERS,)	
)	
APPELLEES.)	

STATEMENT OF ISSUES TO BE PRESENTED

NOW COMES Appellant Debtor Michael Helmstetter (hereinafter Appellant), by and through his attorney Nicola S. Tancredi, Law Offices of Nicola S. Tancredi, Oakbrook Terrace, Il., pursuant to Federal Rule of Bankruptcy Procedure 8009(a), hereby states the issues to be presented on appeal:

1. Whether the Bankruptcy Court erred by entering an order on February 15, 2022 that was ultra vires and void in its effect as committing an administrative action of selecting the winning bidder of the sale of assets, which administrative action is solely within the purview of the Trustee in administering the assets of the estate and did not involve the Court in the exercise of its judicial function.
2. Whether the Bankruptcy Court erred in holding that the Trustee's failure to set a sum certain reserve amount in its sale and auction protocol completely waived

- the Trustee's authority and obligation to exercise business judgment in evaluating proposals submitted and rendered its bid protocol as totally without reserve.
3. Whether the Chapter 7 Bankruptcy Trustee withdrew his motion to sell two assets of the bankruptcy estate because the winning bids at an auction sale were, in the Trustee's business judgment, inadequate. Nevertheless, the Bankruptcy Court ordered and directed the Trustee to sell those assets to the winning bidders. Accordingly, the Bankruptcy Court erred in ordering the sale of these assets because it exceeded the jurisdiction of the Court to enter such an order which order is therefore void.

Respectfully submitted,

/s/ Nicola S. Tancredi

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